

Local Rule 42.1 Stipulation Basic Instruction Sheet (Templates are attached depicting the various steps.)

Step 1: Counsel for the parties may enter into a Local Rule 42.1 stipulation for dismissal without prejudice to reinstatement. The stipulation must specify the terms of reinstatement, including a date by which reinstatement by the appellant must occur. The executed Local Rule 42.1 stipulation must be filed on CM/ECF.

Step 2: Upon approval by the Clerk's Office and CAMP, the Clerk of the Court issues an Order withdrawing the appeal per Local Rule 42.1.

Step 3: If the appellant wishes to reinstate the appeal, the appellant must send a letter to the Clerk of the Court on or before the date specified in the stipulation asking for the appeal to be reinstated.

Step 4:

- a) If reinstatement is timely requested, the Clerk of the Court will issue an Order reinstating the appeal (no additional briefing schedules will be issued by the Clerk's office; a Local Rule 42.1 stipulation tolls the time period set forth in Local Rule 31.2 until the appeal is reinstated); or
- b) If reinstatement is not timely requested, a mandate issues dismissing the appeal with prejudice.

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the
Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the
day of _____, two thousand and _____,

STIPULATION

Docket Number:

The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn
without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case
by filing written notice with the Clerk, and serving such notice upon the undersigned appellee, by
_____. The time, if any, tolled under LR 31.2 begins to run again from the date of
appellant's reinstatement notice to the Clerk.

If not timely reinstated, the appeal shall be mandated pursuant to FRAP 41.

Date:

Attorney for Appellant

Print Name and Firm

Date:

Attorney for Appellee

Print Name and Firm

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the day of , two thousand and ,

[Appellant]

ORDER
Docket No. XX-XXXX

v.

[Appellee]

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby “So Ordered”

For The Court:
Catherine O’Hagan Wolfe,
Clerk of Court




Jones, LLP

0000 Avenue of the Americas
New York, NY 10020

[Date]

VIA CM/ECF

Ms. Catherine O'Hagan Wolfe
Clerk of Court
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: [Appellant v. Appellee, Docket Number: XX-XXXX]

Dear Ms. O'Hagan Wolfe:

We represent appellants in the above-captioned matter. On [date], the parties filed a stipulation pursuant to Local Rule 42.1 withdrawing the appeal without prejudice, which was so-ordered on [date].

We write timely to reinstate the above-captioned appeal pursuant to Local Rules 42.1 and 31.2.

Respectfully submitted,

John Smith
Jones, LLP
0000 Avenue of the Americas
New York, NY 10020
Telephone: (212) 555-5555
Email:

cc: All counsel of record (via ECF)

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the day of , two thousand and ,

[Appellant],

ORDER

Docket No. [XX-XXXX]

v.

[Appellee],



This appeal was withdrawn subject to reinstatement upon terms agreed to by the parties.

Counsel for the appellant has submitted a timely notice of reinstatement.

IT IS HEREBY ORDERED that the appeal is reinstated.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

CERTIFIED COPY ISSUED ON 00/00/0000

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of December, two thousand and sixteen,

[Appellant]

ORDER

Docket No. XX-XXXX

v.

[Appellee]

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 00/00/0000